

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

-----	X	
	:	
In re: UBS FINANCIAL SERVICES, INC. OF	:	Civil No.: 12-cv-1663-CCC
PUERTO RICO SECURITIES LITIGATION	:	
	:	
	:	
	:	ECF Case
	:	Electronically Filed
	:	
	:	
	:	
-----	X	

**JOINT MOTION REQUESTING MODIFICATION OF
THE COURT'S DECEMBER 12, 2012 CASE MANAGEMENT ORDER
AND ENTRY OF A SCHEDULE GOVERNING FILING OF THE SECOND
AMENDED COMPLAINT AND DEFENDANTS' RESPONSE**

COME NOW, Plaintiffs Ricardo Roman-Rivera, Carmelo Román, Onnasis Corporation, SDM Holdings, Inc. and Julio Tormes-Rodríguez (collectively, "Plaintiffs") and Defendants UBS Financial Services Incorporated of Puerto Rico; UBS Trust Company of Puerto Rico; UBS Financial Services Inc.; Miguel A. Ferrer; Carlos J. Ortiz; Puerto Rico Fixed Income Fund III, Inc.; Puerto Rico Fixed Income Fund V, Inc.; Puerto Rico Investors Bond Fund I, Inc. and Puerto Rico Investors Tax-Free Fund IV, Inc. (collectively, "Defendants"), through their undersigned counsel and hereby state and pray as follows:

1. The Parties seek relief from this Court's December 12, 2012 Case Management Order which, pursuant to Fed. R. Civ. P. 16(b), governs the schedule and course of the litigation in the above-referenced matter (the "Case Management Order"). (Dkt. No. 57.)
2. The Parties respectfully submit that the Case Management Order is in conflict with the Private Securities Litigation Reform Act of 1995 ("PSLRA"), which provides

that "[i]n any private action arising under this chapter, all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party." 15 U.S.C. § 78u-4(b)(3)(B). *See In re Cabletron Sys., Inc.*, 311 F.3d 11, 33 (1st Cir. 2002) (noting that the PSLRA "stays all discovery, with certain narrow exceptions, during the pendency of any motion to dismiss."). *See also In re Cytyc Corp. Sec. Litig.*, No. 02-12399, 2005 U.S. Dist. LEXIS 6166, at *107 (D. Mass. Mar. 1, 2005) (same); *Cape Ann Investors LLC v. Lepone*, 296 F. Supp. 2d 4, 10 (D. Mass. 2003) ("The PSLRA ... provide[s] for a mandatory stay of discovery to allow district courts, prior to discovery, to determine the legal sufficiency of claims brought in securities class actions....") (quoting *Riley v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 292 F.3d 1334, 1340-41 (11th Cir. 2002)). This action is subject to the PSLRA's automatic and mandatory stay of discovery because the Complaint includes claims for alleged violations of Section 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act"), as amended by the PSLRA, 15 U.S.C. §§ 78j(b), 78t(a), and Rule 10b-5 promulgated thereunder. 17 C.F.R. § 240.10b-5. Accordingly, the provisions of the Case Management Order regarding discovery are in conflict with the PSLRA.

3. Further, pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs hereby seek leave to file a Second Amended Complaint. Defendants consent to the filing of a Second Amended Complaint provided that the PSLRA's mandatory stay of discovery remains in place through resolution of motions to dismiss the Second Amended Complaint. The filing of a Second Amended Complaint will necessarily mean that Plaintiffs' answering brief in response to the motions to dismiss the Consolidated Amended Complaint that were filed on December 5, 2012 will not be filed and, instead, a new briefing schedule discussed below will be set.

4. For these reasons, the Parties jointly request that the deadlines (including all discovery deadlines and the answer deadline) in the Case Management Order be suspended pending resolution of the Defendants' motions to dismiss the to-be-filed Second Amended Complaint.

5. The Parties have conferred and, subject to the approval of the Court, respectfully submit the following schedule to govern the filing of a Second Amended Complaint filing and briefing of dispositive motions:

- a. Plaintiffs shall file the Second Amended Complaint on or before January 17, 2013;
- b. Defendants shall file motions to dismiss the Second Amended Complaint on or before February 21, 2013;
- c. Plaintiffs shall file an answering brief on or before March 28, 2013;
and
- d. Due to the complexity of the issues to be addressed in the motions to dismiss, Defendants hereby request leave to file a reply brief on or before April 11, 2013. Plaintiffs consent to the this request.

WHEREFORE, the Parties hereby respectfully request that the Court suspend the deadlines (including all discovery and the answer deadline) in the Case Management Order pending resolution of the Defendants' motions to dismiss the to-be-filed Second Amended Complaint; and

WHEREFORE, the Parties hereby respectfully request that the Court enter an order approving the proposed schedule governing the filing of a Second Amended Complaint and Defendants' motions to dismiss.

WE HEREBY CERTIFY that on this same date, we electronically filed the document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of December, 2012.

Luis E. Miñana, Esq.
122 Calle Manuel Dómenech Altos
Urb. Baldrich
San Juan, PR 00918
Tel: (787) 758-1999
Fax: (787) 773-0500
minanalaw@prtc.net /
minanalaw@yahoo.com

By: /s/ Luis E. Miñana
Luis E. Miñana
USDC-PR No. 225,608

- and -

Héctor Eduardo Pedrosa-Luna, Esq.
USDC-PR No. 223202
P.O. Box 9023963
San Juan, PR 00902-3963
Telephone: (787) 920-7983
Facsimile: (787) 764-7511
hectorpedrosa@gmail.com

By: /s/ Héctor Eduardo Pedrosa-Luna
Héctor Eduardo Pedrosa-Luna
USDC-PR No. 223202

Eric Quetglas-Jordan
QUETGLAS LAW OFFICES
P.O. Box 16606
San Juan, PR 00908-6606
Tel: (787) 722-0635/(787) 722-7745
Fax: (787) 725-3970
Quetglaslaw@gmail.com;
Eric@Quetglaslaw.com

By: /s/ Eric Quetglas-Jordan
Eric Quetglas-Jordan
USDC-PR No. 202514

Liaison Counsel for Plaintiffs

David R. Scott, Esq.
Amanda Lawrence, Esq.
SCOTT+SCOTT LLP
156 South Main Street

Salvador J. Antonetti-Stutts
Mauricio O. Muñiz-Luciano
Ubaldo M. Fernández-Barrera
O'NEILL & BORGES
American International Plaza
250 Muñoz Rivera Ave., Suite 800
Hato Rey, PR 00918-1813
Tel.: (787) 764-8181
Fax: (787) 753-8944

By: /s/ Salvador J. Antonetti-Stutts
Salvador J. Antonetti-Stutts
USDC-PR No. 215002

By: /s/ Mauricio O. Muñiz-Luciano
Mauricio O. Muñiz-Luciano
USDC-PR No. 220914

Of Counsel:

Paul J. Lockwood
Nicole DiSalvo
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
P.O. Box 636
Wilmington, DE 19899-0636
Tel.: (302) 651-3000
Fax: (302) 651-3001

*Attorneys for Defendants UBS Financial Services
Incorporated of Puerto Rico; UBS Trust Company of
Puerto Rico; UBS Financial Services Inc.; Miguel A.
Ferrer; Carlos J. Ortiz*

Roberto C. Quiñones-Rivera
MCCONNELL VALDÉS LLC
270 Muñoz Rivera Ave.
Hato Rey, PR 00918
Tel.: (787) 759-9292
Fax: (787) 759-9225

By: /s/ Roberto C. Quiñones-Rivera
Roberto C. Quiñones-Rivera
USDC-PR No. 211512

P.O. Box 192
Colchester, CT 06415
drscott@scott-scott.com
alawrence@scott-scott.com
Tel.: (860) 537-5537
Fax: (860) 537-4432

Joseph P. Guglielmo, Esq.
The Chrysler Building
405 Lexington Avenue, 40th floor
New York, NY 10174
jguglielmo@scott-scott.com
Tel.: (212) 223-4478
Fax: (212) 223-6334

Lead Counsel for Plaintiffs

*Attorney for Defendants Puerto Rico Fixed Income
Fund III, Inc. and Puerto Rico Fixed Income Fund V,
Inc.*

Néstor M. Méndez Gómez
María Dolores Trelles Hernández
Alejandro Febres Jorge
PIETRANTONI MÉNDEZ & ÁLVAREZ LLC
Popular Center, 19th Floor
208 Ponce de León Ave.
San Juan, PR 00918
Tel: (787) 274-1212
Fax: (787) 274-1470
nmendez@pmalaw.com
mtrelles@pmalaw.com
afebres@pmalaw.com

By: /s/ Néstor M. Méndez Gómez
Néstor M. Méndez Gómez
USDC-PR No. 118409

By: /s/ María Dolores Trelles Hernández
María Dolores Trelles Hernández
USDC-PR No. 225106

By: /s/ Alejandro Febres Jorge
Alejandro Febres Jorge
USDC-PR No. 228403

*Attorney for Defendants Puerto Rico Investors Bond
Fund I, Inc. and Puerto Rico Investors Tax-Free
Fund IV, Inc.*